

**DECLARATION OF  
DOROTHY ROSENSWEIG, ESQ.  
EXHIBIT D**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
LIZABETH J. AUGUSTINE,

Plaintiff,

- against -

AXA FINANCIAL, INC. d/b/a AXA  
EQUITABLE LIFE INSURANCE CO.

Defendant.  
----- X

ECF CASE

Case No. 07 Civ. 8362 (RWS)(DFE)

PLAINTIFF'S INITIAL  
DISCLOSURE PURSUANT  
TO RULE 26(a)(1)

PLEASE TAKE NOTICE that, pursuant to Rules 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Lizabeth J. Augustine ("Plaintiff"), by her attorneys, The Roth Law Firm, PLLC, hereby submits the following initial disclosures.

I. Introductory Statement

The following disclosures are based upon information reasonably available to Plaintiff as of the date of this disclosure. Plaintiff reserves her right to at any time revise, correct, add to or clarify the disclosures set forth herein, consistent with 26(e)(1).

II. Disclosures

A. Persons Who May Have Relevant Information

The following individuals may have knowledge concerning, among other things: (i) Plaintiff's exemplary job performance and history; (ii) Defendant's FMLA policies and procedures, including, but not limited to, its failure to respond to Plaintiff's FMLA request; (iii) Plaintiff's daughter's life threatening health condition; and (iv) the "Reorganization Justification Document" that "eliminated and replaced" Plaintiff's position only six days after her FMLA request.

Lizabeth Augustine and Megan McEvoy, 9 Painted Wagon Road, Holmdel, NJ

James Dennis, employee of Defendant

Lisa DeRoche, employee of Defendant

Barbara Goodstein, employee of Defendant

Jeanne O'Connor, employee of Defendant

Cindy Stern, employee of Defendant

Dr. John Larsen

Uptown Pediatrics, P.C.

1245 Park Avenue

New York NY 10128

212 427 - 0540

Dr. Lianne M. DeSerres

Maria Fareri Children's Hospital

1055 Saw Mill River Road, Ste. 101

914 693 - 7636

Dr. Ian N. Jacobs

The Children's Hospital of Philadelphia

34th Street and Civic Center Boulevard

First Floor, Richard D. Wood Center

Philadelphia, PA 19104

Dr. Nigel Pashley

1601 East 19th Ave., St. 5500

Denver, CO 80218

303 839 - 7900

Dr. Michael Rothchild

Mt. Sinai Hospital

212 996 - 2995

Dr. Oscar Mayer

Children's Hospital of Philadelphia

215 590 - 3749

Dr. Lynn Quitella

Columbia Presbyterian NY

212 305 - 6551

**B. Document Categories/Locations**

All pleadings and exhibits annexed thereto.

**C. Damages**

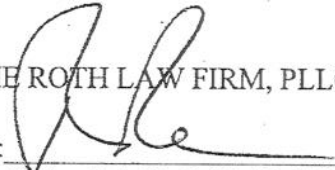
Back pay; actual monetary damages; liquidated damages; compensatory damages in the amount of \$1,000,000.00; punitive damages in the amount of \$1,000,000.00; attorneys fees; costs and disbursements; pre-judgment and post-judgment interest; and any other such relief that this Court deems fair and just.

**D. Insurance Agreements**

None.

Dated: New York, New York  
January 9, 2008

THE ROTH LAW FIRM, PLLC

By:   
Richard A. Roth (RAR-5538)

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New York, New York, 10017  
(212) 542-8882

*Attorneys for Plaintiff  
Lizabeth J. Augustine*